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### NOTES OF CASES.

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**Iowa Vasectomy Law Held Invalid.**—At the session of 1913, the Iowa General Assembly passed an act providing for the operation of vasectomy on idiots and certain other classes of persons, including criminals who have been twice convicted of crime, for the purpose of preventing procreation. The case of *Davis v. Berry*, 216 Federal Reporter, 413, involves the validity of the statute as applied to the latter class. Complainant sought to enjoin the state board of parole and prison physician from performing the operation on himself, alleging that the law was invalid as imposing cruel and unusual punishment and as not providing due process of law. There is no provision for public hearing on the question of former conviction, and the first notice a convict may have of the private determination of the board of parole is the order subjecting him to the operation. This is held not sufficient to satisfy the constitutional mandate as to due process of law. The court goes into the history of similar punishments, and states that, while the operation may not be as painful as castration, the question of cruelty does not depend on physical discomfort alone, but also on the shame and humiliation attendant on loss of virile powers and inability to enter rightly into the marriage relation, and as thus viewed it is considered cruel. Reference is made to the case of *State of Washington v. Feilen*, 70 Wash. 65, 126 Pacific Reporter 75, in which a somewhat similar Washington statute was held not to provide cruel punishment for one convicted of statutory rape.

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**Taxation of Foxes.**—Plaintiff was the owner of a pack of foxes which it intended to raise and as they increased, to kill them and sell their pelts for fur. It also intended to buy and sell foxes for breeding purposes. It was contended by the defendant that the foxes were taxable as stock in trade under the provisions of subdivision 6 of section 7 of chapter 53, Public Statutes. The Supreme Court of New Hampshire said, in substance, that the term "stock," in its broad sense, could very logically include all useful animals, regardless of whether they were kept for sale or for breeding purposes, but as used in the present statute meant stock carried by merchants. Was plaintiff breeding foxes or was it dealing in foxes? A merchant is one who buys and sells commodities. Producers are not merchants within the meaning of the term. If plaintiff kept its foxes as a man keeps a flock of sheep, it was not a merchant. The parties not having agreed as to what plaintiff's business was, it was held that no decree could be made in the case. *White Mountain Fur Co. v. Town of Whitefield*, 91 Atlantic Reporter, 870.